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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/648,576

08/26/2003

Arthur E. Robinson

412479

4099

30955

7590

12/01/2006

LATHROP & GAGE LC
4845 PEARL EAST CIRCLE
SUITE 300
BOULDER, CO 80301

EXAMINER

NGUYEN, TUAN HOANG

ART UNIT

PAPER NUMBER

2618

DATE MAILED: 12/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/648,576

Applicant(s)

ROBINSON, ARTHUR E.

Examiner

Tuan H. Nguyen

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response To Arguments

1. Applicant's arguments filed on 08/07/2006 with respect to claims 1-4 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hale et al. (US PAT. 6,785,539 hereinafter, "Hale") in view of Zuckerman et al. (U.S PAT. 5,404,577 hereinafter, "Zuckerman").

Consider claim 1, Hale teaches a portable audio system comprising: a single personal, portable electronic audio entertainment device (col. 2 lines 47-62); a plurality of wearable speakers in communication with entertainment device, for wearing by a plurality of individuals (see fig. 5b col. 6 lines 29-43); a power supply connected to aid

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speakers and being worn by each said individual (col. 2 lines 47-62); and a receiving the transmitted audio attached to wearable speakers (col. 2 lines 47-62).

Hale does not explicitly show that a simultaneously transmitting audio from entertainment device to wearable speakers; and receiving the transmitted audio attached to wearable speakers.

In the same field of endeavor, Zuckerman teaches a simultaneously transmitting audio from entertainment device to wearable speakers (see figs. 2 and 4 col. 7 line 51 through col. 8 line 13); and receiving the transmitted audio attached to wearable speakers (see figs. 2 and 4 col. 7 line 51 through col. 8 line 13).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use, a simultaneously transmitting audio from entertainment device to wearable speakers; and receiving the transmitted audio attached to wearable speakers, as taught by Zuckerman, in order to provide a relatively short-range voice communications system which can be connected to a relatively long-range voice communications system in a wireless manner.

Consider claim 2, Hale further teaches simultaneously transmitting of audio from entertainment device to wearable speakers comprising wireless transmission (col. 2 lines 24-34).

Consider claim 3, Hale teaches a portable audio system comprising: a single personal, portable electronic audio communication device (col. 2 lines 47-62); a plurality

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of wearable speakers in communication with entertainment device, for wearing by a plurality of individuals (see fig. 5b col. 6 lines 29-43); a microphone and transmitter being worn by each individual (col. 2 lines 47-62); a plurality of power supplies for wearing by each individual, each power supply connected to speakers, microphone, and transmitter and also being worn by each individual (col. 2 lines 47-62); a transmitting audio from individuals to communication device (col. 2 lines 24-34); and a receiving audio from individuals by communication device (col. 3 lines 41-48).

Hale does not explicitly show that a simultaneously transmitting audio from communication device to wearable speakers; and receiving the transmitted audio attached to wearable speakers.

In the same field of endeavor, Zuckerman teaches a simultaneously transmitting audio from communication device to wearable speakers (see figs. 2 and 4 col. 7 line 51 through col. 8 line 13); and receiving the transmitted audio attached to wearable speakers (see figs. 2 and 4 col. 7 line 51 through col. 8 line 13).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use, a simultaneously transmitting audio from entertainment device to wearable speakers; and receiving the transmitted audio attached to wearable speakers, as taught by Zuckerman, in order to provide a relatively short-range voice communications system which can be connected to a relatively long-range voice communications system in a wireless manner.

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Consider claim 4, Hale further teaches simultaneously transmitting audio from communication device to wearable speakers and transmitting audio from individuals to communication device comprising wireless transmission (col. 2 lines 24-34).

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any response to this action should be mailed to:

Mail Stop_____ (Explanation, e.g., Amendment or After-final, etc.)

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Facsimile responses should be faxed to:

(571) 273-8300

Hand-delivered responses should be brought to:

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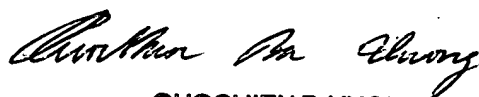
Alexandria, VA 22313

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan H. Nguyen whose telephone number is (571) 272-8329. The examiner can normally be reached on 8:00Am - 5:00Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Maung Nay A. can be reached on (571) 272-7882. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information Consider the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tuan Nguyen
Examiner
Art Unit 2618

 11/24/06
QUOCHIEN B. VUONG
PRIMARY EXAMINER